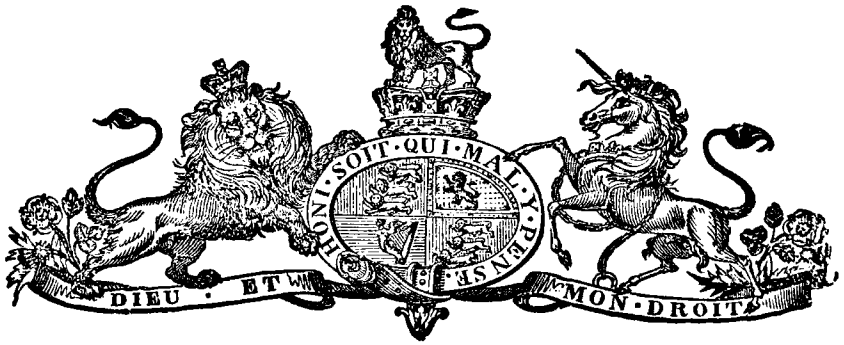


ANNO VICESIMO PRIMO & VICESIMO SECUNDO

VICTORIÆ REGINÆ.

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CAP. LXXIII.

An Act to amend the Law concerning the Powers of Stipendiary Magistrates and Justices of the Peace in certain Cases. [2d *August* 1858.]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

A Stipendiary Magistrate may do alone all Acts authorized to be done by Two Justices.

I. Every Stipendiary Magistrate appointed for any City, Town, Liberty, Borough, Place, or District, sitting at a Police Court or other Place appointed in that Behalf, shall have Power to do alone any Act and to exercise alone any Jurisdiction which under any Law now in force, or under any Law not containing an express Enactment to the contrary hereafter to be made, may be done or exercised by Two Justices of the Peace, and all the Provisions of any Act of Parliament auxiliary to the Jurisdiction of such Justices shall be applicable also to the Jurisdiction of such Stipendiary Magistrate.

Foregoing Enactment to extend to Acts required to be done at Petty Sessions.

II. The Authority and Jurisdiction given to a Stipendiary Magistrate by the Enactment herein-before contained shall extend and apply as well to the Cases where the Act or Jurisdiction is or hereafter may be expressly required to be done or exercised by Justices sitting or acting in Petty Sessions as to other Cases, and any Enact-

ment authorizing or requiring Persons to be summoned or to appear at such Petty Sessions shall in the like Cases authorize or require Persons to be summoned or to appear before the Stipendiary Magistrate having Jurisdiction at the Police Court or other Place appointed for his sitting.

Saving of Jurisdiction of Quarter Sessions and Special Sessions, and as to Licences.

III. Nothing herein-before contained shall extend to Acts to be done or Jurisdiction to be exercised at the General or Quarter Sessions of the Peace, or to Acts or Jurisdiction expressly required (by any existing or future Law) to be done or exercised at Special Sessions, or to any Act or Jurisdiction in relation to the Grant or Transfer of any Licence.

Saving as to Metropolitan Police Magistrates.

IV. Nothing herein-before contained shall extend, alter, or affect in any Manner the Powers or Authorities of the Magistrates appointed or to be appointed to the Police Courts in the Metropolitan Police District.

As to Extent of Section 22. of 11 & 12 Vict. c. 43.

V. Section Twenty-two of the Act of the Session holden in the Eleventh and Twelfth Years of Her Majesty, Chapter Forty-three, shall extend and be deemed to have extended to all Cases in which it is returned to a Warrant of Distress issued under the Authority of such Act for levying any Penalty, Compensation, or Sum of Money adjudged or ordered to be paid by any Conviction or Order that no sufficient Goods of the Party against whom such Warrant was issued can be found, where the Statute on which the Conviction or Order is founded provides no Mode of raising or levying such Penalty, Compensation, or Sum of Money, or of enforcing Payment of the same, as well as to Cases where the Statute on which the Conviction or Order is founded authorizes the issuing thereon of a Warrant of Distress.

Section 18. of 2 & 3 Vict. c. 71. amended.

VI. So much of Section Eighteen of the Act of the Session holden in the Second and Third Years of Her Majesty, Chapter Seventy-one, as makes void (except in the Cases therein excepted) "every "Summons or Warrant issued by any Justice of the Peace of the "Counties of *Middlesex*, *Surrey*, *Kent*, *Essex*, or *Hertfordshire* "respectively, requiring any Person residing within the Metropolitan "Police District to appear at any Place without the said District "to answer any Information or Complaint touching any Matter "arising within the said District," shall not apply to any such Summons or Warrant in respect of any Matter arising within any Part of the said District not assigned for the Time being to any of the Police Courts of the Metropolis.

VII. In

Stipendiary Magistrates.

Magistrates acting for Places in the Metropolitan Police District within which no Police Court is established may commit certain Offenders to any Gaol in and for the County, &c. in which Offence shall have been committed.

VII. In every Case in which any Person shall be brought before any Police Magistrate, or any Two Magistrates acting within the said Metropolitan Police District, for any Place within which no Police Court shall have been established, for any Offence under the Twenty-fourth Section of an Act of the Session holden in the Second and Third Years of Her Majesty, Chapter Seventy-one, such Police Magistrate, or such Magistrates acting in and for such Place, may hear and determine the Matter, and in case of Conviction may commit the Offender to be imprisoned in any Gaol or House of Correction in and for the County, Liberty, or Place in which such Offence shall have been committed, though not within the said Metropolitan Police District, and with or without Hard Labour for any Time not exceeding Two Calendar Months, and in their Discretion without the Infliction of any Fine in default of Payment of which such Imprisonment might be adjudged.

Repeal o certain Acts and Parts of Acts herein named.

VIII. And whereas an Act was passed in the Fifty-ninth Year of King *George* the Third, Chapter Twenty-eight, "to empower "Magistrates to divide the Court of Quarter Sessions," which Act has been amended by Section Four of an Act of the Session holden in the Seventh Year of King *William* the Fourth and the First Year of Her Majesty, Chapter Nineteen, and by Section Four of an Act of the Session holden in the Fifth and Sixth Years of Her Majesty, Chapter Thirty-eight; and it is expedient to make further Provision in relation to the Division of Courts of Quarter Sessions:

The said Act of the Fifty-ninth Year of King *George* the Third and the said Sections shall be repealed, but not so as to affect any Orders, Rules, and Regulations made before the passing of this Act.

Power to divideCourts of Quarter Sessions, General Sessions, and adjourned Sessions.

IX. Whenever and so often as any Court of Quarter Sessions or General Sessions or adjourned Quarter Sessions of the Peace is assembled for the Despatch of Business, the Justices then present may, if and when in their Discretion they see fit so to do, appoint Two or more Justices, One of whom shall be of the Quorum, to form a Second Court for the Purpose of hearing and determining such Business as may be referred to them, and the Proceedings by and before such Second Court shall be as good and effectual in the Law, to all Intents and Purposes, as if the same were had before the Court assembled and sitting as usual in its ordinary Place of Sitting, and shall be enrolled and recorded accordingly.

Regulations made for the Apportionment of Business need not be renewed at each Session.

X. When a Second Court is formed as aforesaid, and Orders, Rules, and Regulations have been made for the Apportionment of Business, such Orders, Rules, and Regulations shall continue in force as long as may be thought expedient, without the Necessity of renewing such Orders, Rules, and Regulations at each succeeding Session.

XI. The

Clerk of the Peace to appoint a Person to record the Proceedings of such separate Court.

XI. The Clerk of the Peace or his Deputy, wherever a Second Court is formed as aforesaid, shall appoint a fit and sufficient Person to record the Proceedings so had before the Justices at such Second Court, and such Proceedings shall be delivered over to the Clerk of the Peace or his Deputy, and shall be deemed to be a Part of the Records of the Session, as if the same Proceedings had been recorded by the Clerk of the Peace himself; and it shall be lawful for the Justices assembled at the Sessions to make an Order upon the Treasurer of the County to pay to the Clerk of the Peace such Sum as they shall deem a fit and reasonable Remuneration to the Clerk of the Peace for such Purpose as aforesaid; and it shall be lawful for such Justices to appoint an additional Crier, and to grant him such Remuneration (to be paid by the Treasurer of the County) as they deem reasonable.

Time from which Sentences of certain Courts shall take effect.

XII. Every Sentence pronounced by any Court of General or Quarter Sessions or adjourned Sessions of the Peace shall take effect from the Time of the same being pronounced, unless the Court otherwise directs.

Stipendiary Magistrate may appoint a Deputy, with Approval of Secretary of State.

XIII. It shall be lawful for any Stipendiary Magistrate, with the Approval of the Secretary of State for the Home Department, to appoint a Deputy, who shall have practised as a Barrister-at-Law for at least Seven Years, to act for him for any Time or Times not exceeding Six Weeks in any consecutive Period of Twelve Calendar Months; and every Deputy so appointed, during the Time for which he shall be so appointed, shall have all the Powers and perform all the Duties of the Stipendiary Magistrate for whom he shall have been so appointed.

Power to appoint County Stipendiary Magistrates to be Magistrates of the Metropolitan Police Courts.

XIV. It shall be lawful for Her Majesty to appoint any Stipendiary Magistrate acting for any City, Town, Liberty, Borough, or Place in *England* or *Wales* to be a Magistrate of any One of the Police Courts of the Metropolitan Police District, although such Stipendiary Magistrate shall not have practised as a Barrister during at least Seven Years then last past, nor shall have practised as a Barrister for Four Years then last past having previously practised as a Certificated Special Pleader for Three Years below the Bar.

Extent of Act.

XV. This Act shall extend only to *England*.

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